

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FOR-HIRE VEHICLES

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June 25, 2018
Start: 10:04 a.m.
Recess: 11:48 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E: RUBEN DIAZ, SR.
Chairperson

COUNCIL MEMBERS: Joseph C. Borelli
Costa G. Constantinides
Francisco P. Moya
Ydanis A. Rodriguez
Deborah L. Rose
Paul A. Vallone

A P P E A R A N C E S (CONTINUED)

Meera Joshi, Commissioner
NYC Taxi and Limousine Commission

Dianna Pennetti, Deputy Commissioner
NYC Uniformed Services Bureau
NYC Taxi and Limousine Commission

Cassandra Perez Appearing for:
David Beier, President Committee for Taxi Safety

Peter Mazer, General Counsel
Metropolitan Taxicab Board of Trade

Bhairavi Desai, Executive Director
New York Taxi Workers Alliance

Zubin Soleimany, Staff attorney
New York Taxi Workers Alliance

Kristen Johnson, NAACP Legal Defense and Educational
Fund, LDF

Hector Ricketts, President, Commuter Van Association
of New York and President and Owner, Community
Transportation Systems

Leroy Morrison, Vice President, Commuter Van
Association of New York, CEO of Alexis Van Lines

2 [sound check] [gavel][background
3 comments, pause] [gavel]

4 CHAIRPERSON DIAZ: Good morning ladies
5 and gentlemen. Welcome to the fourth public hearing
6 of the newly created Committee for-for vehicles-
7 Vehicle for Hire-For-Hire Vehicles. I am Councilman
8 Reverend Ruben Diaz, Senior, appointed to chair this
9 committee by the Speaker of the City Council the
10 honorable Corey Johnson. Today, we will be
11 discussing three pieces of legislation, and the one
12 Introduction 897 by Council Members Adams and
13 Richard. This is a local legislation to amend the
14 Administrative Code of the City of New York in
15 relation to commuter Vans. Number 2, the second-the
16 second bill Introduction 925 by Council Member
17 Williams and Miller and Chin. This is a Local Law to
18 amend the Administrative Code of the City of New York
19 in relation to the for-hire and commuter vans with
20 seating capacity greater than 20 passengers. Number 3
21 Introduction 958 by Council Member Cabrera and myself
22 Diaz, this is a Local Law to amend the Administrative
23 Code of the City of New York in relation to reducing
24 specific penalties for taxis and for-hire drivers.
25 958 Cabrera and Diaz, our piece of legislation is

2 intended to repeal two prior laws and that in 2011
3 and 2016, which dramatically increased the Taxi and
4 Limousine Commission fines on the for-hire vehicles
5 and drivers for various offenses. Thus piece of
6 legislation is trying to take back to 2011 the
7 level of fines that was increased of up to \$10,000.
8 We believe that when those loss were imposed, they
9 increased the penalty for taxis and drivers with
10 certain negative outcomes for the public and the
11 drivers. TLC resorted to extreme tactics in order
12 impose huge fines greatly affecting and hurting the
13 drivers economically and over our wellbeing. The
14 fines are imposed without consideration of the
15 driver's records or the malicious actions taken by
16 the TLC inspector. For example, the TLC inspector is
17 entrap-entraping-entraping the livery drivers by
18 jumping into for-hire vehicles and asking the drives
19 to be taken to hospitals and other places, but, too,
20 entrapping the driver by impersonating passenger with
21 disability trying to get the sympathy of the drivers
22 so the driver could take them to different places,
23 and they just do that just to-just to impose a
24 summons to the driver. Among many other duplicitous
25 acts in the relation of the drivers' Eight Amendment

2 Rights to be free of expensive fines. In the current
3 climate—climate, many drivers are making less than
4 minimum wage due to the obligation of having to pay
5 for leases, pay for the base—basis fee, pay for gas,
6 pay for insurance, pay for TLC fees and many, many
7 more other fees and expenses. We believe that fines
8 up to \$10,000 is in direct violation of the Eighth
9 Amendment Right, which stipulates that the penalties
10 should be equal to the crime. In other words, the
11 Eighth Amendment—the Eighth Amendment of the United
12 States Constitution says that penalties should be
13 equal to the crime. A penalty cannot be bigger than
14 the crime, and we believe that those fines are
15 violation the Eighth Amendment Rights where the
16 penalties are above the crime. \$10,000 is too high
17 for a crime for the infraction committed. So, we are
18 very sure, very positive that these is a violation of
19 the Eighth Amendment right. In other words, the
20 penalty should not be higher than the crime or
21 violations that have been committed, as I said.
22 Today, I have been joined by some of my colleagues,
23 one of them, just—just one. [laughter] The rest, the
24 rest are coming. Council Member Borelli, and I
25 welcome. I welcome the representatives of the

2 Mayor's Office who are here today to provide their
3 opinion regarding this bill and the Commissioner of
4 the Taxi and Limousine Commission. This meeting will
5 start in time. So, people who are here are used to
6 start late. I'm trying to start my meeting on time.
7 So, let's see who's coming. For now, ladies and
8 gentlemen I would like to ask the Center's Staff
9 Counsel to administer the oath to the Commissioner
10 and the staff.

11 LEGAL COUNSEL: Pleas raise your right
12 hand. Do you affirm to tell the truth, the whole
13 truth and nothing but the truth in your testimony
14 before this committee, and to respond honestly to
15 Council Member questions?

16 COMMISSIONER JOSHI: do.

17 MALE SPEAKER: I do.

18 LEGAL COUNSEL: Thank you.

19 COMMISSIONER JOSHI: Good morning, Chair
20 Diaz. I'm Meera Joshi, Commissioner and Chair of New
21 York City Taxi and Limousine Commission. Two of the
22 bills, Intro 897 and 925 concern commuter vans.
23 Commuter vans are just one of the industry's
24 regulated by the TLC, but they're a vital part of the
25 city's transportation system. Commuter vans provide

2 affordable transportation to New Yorkers mostly in
3 the Outer Boroughs, but also in Manhattan. This is
4 especially true in neighborhoods that have less
5 access to public transit. As noted in a recent New
6 York Times article the biggest challenge facing the
7 commuter van industry today is the presence of
8 unlicensed vans. In many neighborhoods there is an
9 increase in the number of larger vehicles with over
10 20 seats holding themselves out as commuter vans.
11 Illegal vans are dangerous because unlike authorized
12 commuter vans, they lack basic safety protections
13 such as vehicle inspections and appropriate insurance
14 coverage. Because there's no guarantee that the
15 vehicle is insured, passengers and drivers have no
16 remedy for medical expenses or other injuries in the
17 event of a crash. More often than the driver of an
18 unlicensed vehicle is also unlicensed by the TLC
19 meaning that they have not undergone a background
20 check, drug test or required training. The TLC has
21 worked with the industry and members of Council to
22 support the licensed industry including through van
23 decals and passenger outreach, but the most effective
24 tool is enforcement. As part of our enforcement
25 against illegal vans, we regularly partner with NYPD

2 and have recently begun partnering with the city's
3 Sheriff's Office as well. This is difficult resource
4 intensive work. So, far this year as of June 15th
5 we've conducted 336 operations targeting illegal vans
6 including 148 in Brooklyn and 185 in Queens. In
7 addition, we've conducted 123 joint operations with
8 NYPD including 39 in Brooklyn and 34 in Queens.
9 These operations support our other key enforcement
10 tools seizing illegal operating vehicles including
11 vans. We stopped seizing vehicles of first-time
12 offenders in 2015 because of a Federal Court ruling.
13 Now, before TLC seizes and forfeits a vehicle, there
14 must be at least one prior conviction or unlicensed
15 illegal operation of the vehicle. Once we
16 operationalized this approach, enforcement began
17 forfeiture of all illegally operating vehicles in
18 late 2016. Since then we've successfully seized
19 repeat offenders, 103 vehicles of which 36 were
20 commuter vans. In this calendar year alone, again
21 these are repeat offenders. Fifty-one vehicles have
22 been seized and 9 of them are vans and 13 vans have
23 been forfeited. These operations yield hundreds of
24 summonses against illegal van operators, but also
25 against for-hire vehicles doing illegal pickups,

2 which adds to congestion and dangerousness in major
3 corridors like Flatbush Avenue, Manhattan and
4 Chinatown in Flushing or in the area around Jamaica
5 Station. Removing these vehicles from their owners
6 and keeping them off the road permanently is our best
7 enforcement tool. Intro 897 would amend the
8 Administrative Code by requiring that no application
9 for authorization to operate a commuter van could be
10 approved or renewed unless the application-applicant
11 produces records demonstrating that the applicant has
12 at least the same number of licensed drivers as
13 affiliated commuter vans. We agree that unlicensed
14 activity is a problem in the commuter van industry
15 and that unlicensed drivers should never operate any
16 TLC licensed vehicle including commuter vans. This
17 is why we take enforcement actions against unlicensed
18 operators. I'd like to note, however, that many
19 legitimate banned businesses have justifiable
20 business reasons for having a different number of
21 drivers in vehicles, and while the TLC supports the
22 goal of limiting unlicensed activity, we'd like to
23 work with Council to ensure that any such bill would
24 not limit TLC's authority to authorize legitimate van
25 businesses. The number of licensed vans exceeded 500

2 by August 2015, but it's steadily declined, and now
3 it's around 280, 243 licensed drivers and 53
4 authorized services. Licensed van operators are owned
5 and operated as small businesses covering the cost of
6 van maintenance, insurance and licensing requiring
7 showing a one-to-one match before authorization may
8 pose an obstacle for these businesses because they do
9 not always have [coughs] at all time an exact match
10 of vans to drivers. So not having a one-to-one ratio
11 is not necessarily evidence that unlicensed operators
12 are driving the licensed vans. There are many
13 legitimate reasons for why a van applicant would have
14 fewer licensed drivers than vans. For example, a
15 company may purchase several vans because there's a
16 good price opportunity before recruiting drivers or
17 the number of drivers may decrease because of
18 sickness. These are normal occurrences in small
19 businesses. No other sector regulated by TLC faces a
20 similar requirement and TLC is concerned that this
21 bill may penalize legal businesses that are made up
22 almost entirely of community-owned and operate small
23 businesses, and discouraging legal authorities may
24 decrease the amount of licensed activity, which would
25 further decrease the amount of licensed vans and

2 drivers. Again, we share the concern about
3 unlicensed commuter van activity. We work closely
4 with Council Miller, and other members on commuter
5 van issues, and we look forward to furthering our
6 conversations with Council as we address unlicensed
7 activity. Intro 925 would give the TLC power to
8 enforce against community vans that seat over 20
9 people. Today, TLD licenses and has the power to
10 enforce against licensed and unlicensed commuter vans
11 with the seating capacity of up to 20 seats. We know
12 from experience, observation and stakeholder input
13 that there are more large vehicles in New York City
14 that hold themselves out as commuter vans whether
15 they are vans or buses, which are beyond TLC's power
16 to enforce. Not only are these large vehicles
17 unlicensed, they are also uninspected and extremely
18 unlikely to have the right insurance to protect
19 passengers. Additionally, these larger vans are
20 dangerous to the communities in which they operate
21 not only because the safety concerns presented by all
22 unlicensed activity, but because of their size they
23 have less ability to stop or maneuver crowded streets
24 including residential streets not meant for large
25 buses or vans posing greater physical dangers to more

passengers and to the public. The TLC supports intro 925 because it would give the TLC new authority to enforce the full range of penalties against larger illegal vans including fines, seizure and forfeiture. We thank Council Member Williams, Miller and Chin and the commuter van industry for bringing this bill forward. Turning to Intro 958, which amends section 9507-19507 of the Administrative Code to reduce mandatory penalties for violations of law prohibiting taxicab drivers from asking a passenger for their destination before the passenger is seated in the vehicle refusing to take a passenger to a destination, and overcharging a passenger. Intro 958 would also reduce mandatory penalties for for-hire vehicles that do illegal street hails and eliminate the greater penalties set for illegal street hails in the hail exclusionary zone that was established by the Hail Law that is the airports in Manhattan south of West 110th Street and East 96th Street. TLC cannot support Intro 958. Such reductions in penalties would weaken critical public safety and consumer protections. We know from painful experience the destinations refusals are more often than not a proxy for discriminating against passengers based on race

and ethnicity. Unfortunately, and even at the current penalty levels, we still get these complaints. TLC continues to receive complaints about refusal for unacceptable reasons in the for-hire and taxi sectors. There have been over 3,000 such complaints since January 2017, and fees and laws and penalties remain a vital tool to ensure that all New Yorkers receive service. Intro 958 would greatly reduce this deterrent against discrimination, and it would move us backwards as a city instead of towards our goal for equitable service. Penalties for fare overcharges likewise cannot be reduced. It's important to call a fare overcharge exactly what it is, theft. By reducing these penalties, the bill sends a message to hundreds of thousand of daily passengers that their consumer rights and protections are not important at all. The bill would also reduce penalties for illegal street hails. In 2016, the Council amended 19507 to enhance penalties for legal street hails in those areas call the Hail Exclusionary Zone traditionally the areas of the Yellow Taxi market. In 2016—the 2016 amendment was intended to protect Yellow Taxi drivers and owners from having their trips poached by illegal operators.

1 The penalties for illegal street hails anywhere in
2 the city generally range from a maximum of \$500 for
3 the first violation to license revocation for the
4 third. Under the 2016 law, however, if a licensed
5 for-hire vehicle accepts a street hail in Manhattan
6 or the airports, the Local Law penalties range from
7 \$2,000 to \$10,000. These penalties were enacted at a
8 time of increased illegal activity in the Hail
9 Exclusionary Zone and that illegal activity has not
10 dissipated, and may serve as a deterrent. Reducing
11 penalties for this behavior would undermine a key
12 protection for taxi owners and drivers as well as key
13 Vision Zero protections. We have said many times
14 that illegal street hails are inherently unsafe, and
15 the Council has recognized this threat since 1989
16 when it authorize the TLC to penalize drivers for
17 illegal street hails, and found that vehicles
18 operating for-hire without a TLC license are threat
19 to health safety and wellbeing of their passengers
20 and the general public. The Council increased
21 penalties for illegal street hails in 2012 noting in
22 particular the danger posed to passengers by drivers
23 with no insurance or insufficient insurance and that
24 passengers who are hurt in unlicensed vehicles have
25

no recourse to insurance or the TLC. We have recent examples of these dangers. We continue to see fatal crashes involving unlicensed drivers or vehicles.

Last spring a driver who illegally picked up a passenger crashed on East Gun Hill Road killing the passenger, and earlier this month an unlicensed driver using a licensed vehicle in the Bronx with ten open DMV suspensions hit and critically injured a pedestrian at 149th Street and River Avenue. Illegal street hails are also bad for our licensees.

Practically speaking, an illegal street hail by either licensed or unlicensed operators harm those drivers and bases that follow TLC rules as well as state and local law. For those licensees, illegal street hails result in fewer passengers, and fewer passengers and means less income, and I'll note this is acutely evident at the airports where both legitimate FHV operators and Yellow Taxi operators are fighting on a daily basis with illegal operators as if there's not enough competition already. We're sensitive to the fines, and the driver struggles to make a living, and we've continued to find ways to ease burden on drivers, but I would also note that despite claims that drivers receive \$10,000 penalties

2 under Section 19507 that number is reserve for repeat
3 offenders and has at least three violations in a 24-
4 month period, and the total number of drivers that
5 have ever received this penalty is one. In short,
6 Intro 958 would significantly weaken critical
7 safeguards for passengers against discrimination,
8 theft and illegal operations—operators against unsafe
9 operations. TLC does not support this legislation.

10 CHAIRPERSON DIAZ: Thank you,
11 Commissioner for your participation and your opinion
12 on the three pieces of legislation that we are
13 discussing today. Did you know—do you know about the
14 Eighth Amendment?

15 COMMISSIONER JOSHI: I'll answer
16 questions that are legitimate questions about the
17 subject matter of this hearing, but I've been to your
18 hearings enough times to know that many of your
19 questions are set up, and they're really intended to
20 get a rise out of the audience and you, and I don't
21 think that is a service to the general public. I
22 don't think that's a service to industry--

23 CHAIRPERSON DIAZ [interposing] So you
24 think--

2 COMMISSIONER JOSHI: --and I don't think
3 that's a service to my agency.

4 CHAIRPERSON DIAZ: So you think--

5 COMMISSIONER JOSHI: Do you have a
6 legitimate question.

7 CHAIRPERSON DIAZ: Commissioner--
8 commissioner I'm sorry, this is not--this is--do you
9 think that the Eighth Amendment and the Constitution
10 has nothing to do with the--with the--with the extreme
11 fine that you put on. You said you--that's what I
12 don't want it to be. (sic)

13 COMMISSIONER JOSHI: [interposing] You've
14 written a letter to our office. We've provided with
15 a detailed answered on that subject. So, I think you
16 have our answer.

17 CHAIRPERSON DIAZ: [interposing] I'm
18 asking you are you aware of the Eighth Amendment?

19 COMMISSIONER JOSHI: I think you have the
20 answer. I don't have the letter in front of me. I'm
21 happy to provide it to you after this hearing.

22 CHAIRPERSON DIAZ: Alright, that's what
23 you have to say you're not aware.

24 COMMISSIONER JOSHI: The letter you
25 already have a copy of it.

2 CHAIRPERSON DIAZ: You are not aware. I
3 don't know what you are aware of, but okay, let me--
4 let me--you know, we are not--

5 COMMISSIONER JOSHI: [interposing] I'm
6 going to reiterate I am not going to be treated
7 poorly by you again. I've had enough of it. I come
8 here every time and you put that same attitude on.

9 CHAIRPERSON DIAZ: [interposing] We are--
10 we are--I'm just trying to--

11 COMMISSIONER JOSHI: [interposing] It's
12 not okay. It's not acceptable.

13 CHAIRPERSON DIAZ: Okay.

14 COMMISSIONER JOSHI: I'm a legitimate
15 public servant.

16 CHAIRPERSON DIAZ: Okay.

17 COMMISSIONER JOSHI: Treat me decently or
18 you don't ask question at all.

19 CHAIRPERSON DIAZ: I am treating you
20 decently. I'm asking you questions. I'm not
21 prejudice. I'm asking you questions. You are the
22 one getting all upset. Okay. I'm asking you
23 questions, and your duty, it is your duty to answer
24 the question to the Council to the committee not to
25 get so upset.

2 COMMISSIONER JOSHI: And your duty and
3 responsibility is to treat people and the public with
4 respect--

5 CHAIRPERSON DIAZ: [interposing] I am
6 treating you—I am treating you--

7 COMMISSIONER JOSHI: Treat them decently
8 even if you disagree with what they're saying.

9 CHAIRPERSON DIAZ: You're trying to--
10 you're trying to deviate the whole thing. You will
11 not do it. I will not allow it. I'm asking you
12 questions. We're doing duly here and I'm asking you
13 question about, you know about the Eighth Amendment.
14 You just get all excited. Why?

15 COMMISSIONER JOSHI: I'll answer a
16 legitimate question.

17 CHAIRPERSON DIAZ: Okay, how the Mayor of
18 the City of New York and the community leaders are
19 fighting the laws of the State of New York. Based on
20 that the Eighth Amendment and even and even in many
21 other cases they are saying that the--the penalty that
22 some people are getting from anyone have been too
23 high because the fine--the penalties are not equal to
24 the fine. So, based on that, people are doing
25 whatever they want before it doing it over. Based on

2 what I'm saying a \$10,000 fine when the last year
3 the--the Council, the chair of the committee and the
4 Council and TLC imposed those fines on drivers. I
5 think that's--

6 COMMISSIONER JOSHI: [interposing] One
7 driver.

8 CHAIRPERSON DIAZ: --I think that's about
9 it.

10 COMMISSIONER JOSHI: In my testimony I
11 said one driver received that. That driver was
12 caught doing an illegal street hail in Midtown
13 Manhattan in January twice, in February once. As a
14 result of three consecutive summonses in less than
15 two months, he did receive a \$10,000 fine. That is
16 the kind of enforcement the industry at a time of
17 great competition. There are many licensed drivers
18 out there, and many of them work everyday in
19 Manhattan to ask--has to compete with illegal
20 operators in the areas where their bread and butter
21 income is at the airports and in Manhattan and have
22 City Council undermine their licensure by supporting
23 reducing those penalties is not helpful for this
24 industry especially at this time.

2 CHAIRPERSON DIAZ: We have the State of
3 New York and the Department of Motor Vehicles and
4 different institutions imposes fines. None of them
5 has such a high fine, penalty, such a high penalty
6 for a traffic violation. So, we're saying to impose
7 that when the Council or the--or whatever you decided
8 to and the--and the city and you decided to impose
9 fines of \$10,000, \$10,000 will be. The New York
10 State Department of Motor Vehicles doesn't do that
11 and you impose this kind of penalty up to \$10,000
12 impose up, \$10,000 or up to \$10,000. It doesn't
13 matter how many--how many the driver already has, only
14 one maybe--either, either--and one driver has been--has
15 been imposed a \$10,000 penalty. The law says up
16 \$10,000 so we're trying to amend that. That's--
17 that's--that's aberration to the law, to the city of
18 New York, to the drivers. So, we're saying we
19 should--we should--we should do away with that piece of
20 legislation. Whoever designed, whoever said, we
21 should impose a penalty of 10 up to \$10,000, \$1,000,
22 \$2,000, \$3,000 up to \$10,000 to a driver for
23 violation a traffic law.

24 COMMISSIONER JOSHI: It's not a traffic
25 law. It's a criminal and a civil law.

2 CHAIRPERSON DIAZ: [interposing] Well,
3 whatever--

4 COMMISSIONER JOSHI: [interposing]
5 Illegal street hail. Picking up illegally under the
6 AD Code is a criminal offense as well as a civil
7 offense.

8 CHAIRPERSON DIAZ: Okay, so the--the--the--
9 the penalty is--is too high for the crime, for the--for
10 the violation or whatever you want to call it. So,
11 we're saying, we simple are saying if--if we're trying
12 now to decrease the penalty for--for marijuana and for
13 all the crimes, jumping the turnstile, youth and
14 industry (sic) all those were saying the crime is too
15 high, we got to include the crimes. So, I'm saying
16 okay why--why don't we repeat the crime.

17 COMMISSIONER JOSHI: There are real
18 victims in cases of illegal operation. There is low
19 insurance. There's a driver who is not vetted at
20 all. There are passengers involved. I've continued
21 to resist this comparison to marijuana and jumping
22 the turnstiles. Moreover, it is to the climate of
23 incredible competition. We bring in 3,000 drives,
24 2,000 new vehicles. We cannot stop that influx
25 because the TLC does not have the authority to stop

2 that. The Yellow Taxis are fighting to keep trip
3 volumes. The legitimate FHV drivers are fighting to
4 keep trips and on top of that to reduce the penalties
5 against those that compete against them illegally
6 without any of the safeguards for the public, it
7 seems a very difficult time to propose such
8 legislation.

9 CHAIRPERSON DIAZ: We—we came here and
10 we—we—we are presenting a bill to do—to—to—to really
11 like Uber and to help the Yellow Taxi and to be sure
12 that we balance.

13 COMMISSIONER JOSHI: How does this bill
14 help legitimate Uber drivers and legitimate Uber?

15 CHAIRPERSON DIAZ: [interposing] Can I—
16 can I—would you please let me—will you please let me
17 finish because you cannot control this.

18 COMMISSIONER JOSHI: Continue.

19 CHAIRPERSON DIAZ: I'm the Chairman of
20 the Committee. You are going to take the talk.
21 Please, let's be honest. You got to be—you can't do—
22 -

23 COMMISSIONER JOSHI: I'll talk when I
24 want to talk.

2 CHAIRPERSON DIAZ: Commissioner,
3 Commissioner. I don't who is disrespecting here.
4 I'm talking. So I don't know who—who you are
5 disrespecting here. So, we tried to submit the bill.
6 We came here and we present it. At the beginning we
7 were putting \$2,000 to Uber drivers and to drivers,
8 and you came here and you said no we cannot do that
9 because drivers are suffering. We have to help
10 drivers. We have—that's too much for drivers. Based
11 on your testimony and others, we decreased that to
12 \$400, and—and—and—and basically you—you helping
13 simple drivers. Now we're coming here today and I
14 said, well she's concerned for driver, let's—let's—
15 let's—let's—whatever make this law, let me bring it.
16 So, now you're saying that drives should—should keep
17 believing with this—with these high penalties.

18 That's what you're saying. I don't know—you can

19 COMMISSIONER JOSHI: [interposing] Are
20 you con—are you concerned with any of the licensed
21 drivers their welfare and--

22 CHAIRPERSON DIAZ: [interposing] Of
23 course, of course. This will be—of course.

24 COMMISSIONER JOSHI: --their ability to
25 continue to get enough trips to make a living because

2 allowing people to operate illegally erodes that, and
3 beyond that, this bill includes incredibly
4 destructive provisions taking down penalties for
5 things like racial discrimination and theft.

6 CHAIRPERSON DIAZ: The State of New York
7 has laws, the Department on the Motor Vehicles of the
8 State of New York, the court system has laws to
9 punish unlicensed drivers, to punish anyone that
10 commit crime. They are laws there. I'm saying based
11 on the licensed driving, driver there are laws to
12 punish those drivers. So, why is it that the TLC has
13 to put up to \$10,000 and they want more, they want
14 more? Ain't-ain't that double jeopardy?

15 COMMISSIONER JOSHI: Those laws in the AD
16 Code offer civil or criminal. It's in the
17 alternative. You pursue one civilly through us or
18 alternatively you can pursue criminally. You cannot
19 pursue both. It's not double jeopardy.

20 CHAIRPERSON DIAZ: Oh, the state-the
21 state only has a very efficient and very strong
22 measure against unlicensed driver, and those that
23 commit crime or the state of the arts (sic) has-those
24 every-penalty for unlicensed driver there, but again,
25 again let's go back to my original question. The

2 Eighth Amendment of the Constitution of the United
3 States of America stating that people should be free-
4 free of high fines, free of high penalties, and that
5 the penalty should be equal to the crime. I'm just
6 saying if that-if the Constitution say that why are
7 we violating the Constitution of the United States?
8 That's what I'm saying. So, we're trying to fix that
9 problem that was created in 2011 and 2016 when-when
10 somebody decided to impose fines of up to \$10,000 to-
11 to-to drivers for-for-for a traffic violation, we're
12 saying and you say no like we-I'm not supporting
13 that. Okay.

14 COMMISSIONER JOSHI: I've told you I'm
15 not supporting it because it undermines critical--

16 CHAIRPERSON DIAZ: [interposing] Aright.

17 COMMISSIONER JOSHI: --consumer
18 protections. People should not be discriminated
19 against, and we should not take that lightly. We
20 should not reduce penalties associated with that.
21 Passengers should not be subject to overcharges. We
22 should not take that lightly. We should not reduce
23 the penalties, and people who without a license,
24 without vetting many of them has suspended DMV
25 licenses that operate illegally and take money out of

2 the pockets of our licensed drivers and operators
3 should be penalized and we should not reduce those
4 penalties either.

5 CHAIRPERSON DIAZ: You also opposed the
6 897. Can you tell me again why you're opposing that?

7 COMMISSIONER JOSHI: I said I have
8 concern, the same concern that Council Member Daneek
9 Miller has about operating licensed commuter vans
10 with unlicensed drivers. I'd like to work with the
11 Council on a bill that addresses that problem other
12 than the one proposed in this bill because these are
13 small businesses some of whom I'm sure you'll hear
14 testify today, and it's very difficult to keep a one-
15 to-one ratio for our cars to drivers. We don't
16 impose that kind of a ratio in any other sector of
17 our regulated industries. We give complete freedom
18 to the number of cars versus the number of drivers.
19 So, I'd like to explore with Council Member Miller a
20 way to address this problem, which he and I agree
21 upon that doesn't also hurt the ability of small
22 businesses to operate.

23 CHAIRPERSON DIAZ: Do you have that bid
24 of how many commuter van-van services operators there
25 are in the city of New York? Do you--?

2 COMMISSIONER JOSHI: That are authorized
3 to operate?

4 CHAIRPERSON DIAZ: Yeah, how many
5 commuter-commuter-commuter vans service.

6 COMMISSIONER JOSHI: We have 53
7 authorized commuter van services.

8 CHAIRPERSON DIAZ: And do you have that-
9 that data disaggregated by boroughs?

10 COMMISSIONER JOSHI: By boroughs we can
11 provide that to you, but they're primarily in Queens
12 and Brooklyn.

13 CHAIRPERSON DIAZ: So how many drivers
14 are employed in this sector? Do you know?

15 COMMISSIONER JOSHI: Our employees?

16 CHAIRPERSON DIAZ: Yeah.

17 COMMISSIONER JOSHI: I'm not sure if any
18 of them are employees. The common-the common model
19 is independent contractors.

20 CHAIRPERSON DIAZ: Okay, I have joined by
21 Council Member--once he left (sic)--Council Member
22 Rodriguez, and I'm going to make a hold in my
23 question. I don't know if they want to have any
24 questions. Rodriguez.

2 COUNCIL MEMBER RODRIGUEZ: First of all,
3 I'm proud of the work that we were able to do in the
4 last couple of years addressing a crisis that did not
5 happen over night. When the Yellow Taxi industry and
6 the livery and the Black the others, the traditional
7 ones that was told we will break you, like it really
8 has some meaning in our city because no doubt that
9 there has been a plan to destroy the traditional taxi
10 industry, and it is not an easy thing to address.
11 It's like the MTA when you look to the particular
12 taxi industries that you compare how a crisis have
13 not happened overnight. And when you see members of
14 this industry the livery who were the ones providing
15 the services in the outer borough area for decades or
16 the Yellow Taxi industry that they were promised that
17 if you buy a Medallion you will have the right, the
18 exclusive right to be the only one that can do pickup
19 and drop-out in any corner of the five borough and
20 then suddenly you see another industry come into city
21 not following the same rule and regulation. That
22 ban-those individuals that-those of you especially
23 providing the service in Queens, the one that are
24 going. You know, it is more difficult now for you to
25 compete with whoever is trying now to get into your

2 market trying to bring hundreds of new vans. We have
3 an agreement with four and other, and not being able
4 to-to competed at the same level. That's what we
5 are-as adults we are addressing today. It's about how
6 can we level the playing field to be-to create a
7 condition for everyone to do well in our great city
8 of New York. So, when we address the situation of
9 the Midtown area and the JFK and La Guardia, and at
10 that time we were talking about the importance to
11 protect those who were providing those services there
12 for decades. As new players came and trying to do
13 illegal pickup in those areas, I believe that we did
14 the right thing because as I said, when we look to
15 the outer borough area, we did the-we did the best we
16 could to protect our livery taxi drivers. We created
17 the universal license. We increased the numbers or
18 points that drivers can be able instead of being able
19 to give the two point, we increase it to four after
20 the livery taxi or any driver were taking a class
21 and-and reduced those points that they were able to
22 accumulate. So, we did-we tried to do the best we
23 could to the taxi drivers. We were not playing games
24 like here meeting with this group and then cutting a
25 deal with the other one. We were very clear that our

2 responsibility was to level the playing field of
3 everyone, protect the hail of the taxi, the livery,
4 protect the hail in [Speaking Spanish] Commissioner,
5 and my question is as when we look at the 958 that we
6 eliminate the penalty for illegal street hail, what
7 could be the impact that that law will have
8 especially for the Yellow Taxi drivers and the others
9 that they have license and they have their permit to
10 pick up in those areas?

11 COMMISSIONER JOSHI: First, I want to
12 preface by the-the-the percentage of trips in which
13 something that falls under the-what the-the
14 violations that 958 addresses, refusals, overcharges
15 and illegal street hails. That's a very small
16 percentage of all trips. So, we're-the vast majority
17 of drivers follow each and every rule and provide
18 excellent professional service, but there are those
19 drivers that do break them, but passengers that is a
20 big deal. So, each and every one time that there's a
21 refusal and overcharge or a dangerous illegal street
22 hail, that is a very serious event for a passenger.
23 And so, though it is a small, small percentage of our
24 overall trip volume at 4.5%, it is a tremendous-it is
25 a significant event in the life of a passenger, and

2 for other licensed drivers. So, the illegal street
3 hail penalty reduction would have a significant
4 impact on Yellow Taxi drivers that work in the
5 Central Business District and at the airports as well
6 as licensed FHV drivers who operate at the airports
7 because there is a tremendous amount of illegal
8 activity that provides additional competition for
9 income each and every day. And so, at a time when we
10 bring in so many drivers and so many vehicles every
11 month, the agency has no control over that growth.
12 We don't have the authority to limit the growth. I
13 think it would be salt on the wounds of the industry
14 to further allow illegal competition to be come just
15 the price of doing business by reducing the
16 penalties.

17 COUNCIL MEMBER RODRIGUEZ: So, deliberate
18 and, of course, like we—and I try to do my best in my
19 previous overseeing the taxi industry helping the
20 livery as much as I could as Yellow and the Black car
21 drivers, but when we address penalty and we have
22 this—that discussion to increase the penalty for an
23 illegal street hail what happens citywide or only in
24 the Midtown area, JFK and La Guardia. So, it's fair
25 to say that as you—yes you say right now that

2 repeating what you said right now that most of the
3 livery who get fined for illegal street hail happen-
4 get those fines out of his area, right, out of the
5 Midtown and JFK?

6 COMMISSIONER JOSHI: I do know that most
7 of the summonses we issue for the under 19507 for the
8 illegal street hails in Midtown at the airports are
9 to Black cars. There are cars that carry TLC
10 licenses affiliated with the Black Car base. The
11 driver may be licensed or unlicensed, but they're
12 conducting illegal street hails picking up off the
13 street.

14 COUNCIL MEMBER RODRIGUEZ: Okay. Are
15 those vehicles affiliated more with the app company
16 like the Uber and Lyft?

17 COMMISSIONER JOSHI: I don't know today.
18 I know about--was it two years ago we, you know, when
19 we were still seizing vehicles we were seizing about
20 900 vehicles a month in Manhattan that were
21 affiliated with Uber bases that were picking up
22 illegal street hails. We don't seize on the first
23 offense any more. We seize on the--we seize toward
24 forfeiture on the second. So, I don't have that

2 number readily available, but I'm happy to go back
3 and get you an account over the last few months.

4 COUNCIL MEMBER RODRIGUEZ: Okay, I-I just
5 want to end, you know, just inviting Council Member
6 Diaz to continue working, and I will be working with
7 him addressing how we protect the livery who get most
8 of the tickets, most of those fines out of the
9 Midtown an the JFK areas at the same time that we
10 have to be very careful or now any move of any change
11 that we're making, any previous law that we pass at
12 the Council especially in the 958 would not have a
13 negative impact that will put the situation even
14 worse to those taxi drivers that they have license to
15 be the ones that do the illegal pick up and drop-out
16 in the Midtown, JFK and La Guardia. Thank you.

17 CHAIRPERSON DIAZ: Thank you, Council
18 Member Rodriguez. One of the things that you could
19 help me out and work together to join me in
20 supporting and-and signing in the bill to protect
21 the-the Yellow that it's a mess, and we're trying to
22 balance the injustice done to the industry, and I
23 just came here six months ago. So, one of the ways
24 that you could help is joining the bill, and

2 supporting the bill so we could regulate Uber, and
3 asking to do it. So, so-

4 COUNCIL MEMBER RODRIGUEZ: Chairman.

5 CHAIRPERSON DIAZ: I have been joined-I
6 have been joined by Council Member Williams, Council
7 Member Vallone, and Council Member Moya. I don't know
8 if any one of them has any comments or anything to
9 say? [background comments, pause] No. Thank you.

10 COUNCIL MEMBER RODRIGUEZ: Chairman, if
11 you don't mind-I-I got to say that there's a package
12 of bills that, you know, Chairman Diaz he has bills
13 there about all the colleagues and mine. We also
14 have bills, and I hope that as we try to pass a
15 package of bills that unfortunately we were not able
16 to move in the past addressing how to level the
17 playing field that this time around again, and the
18 Speaker is very committed to address this situation,
19 and how to bring some solution to the whole crisis
20 that is affecting our industry. I know that with the
21 leadership of Speaker Johnson and you also Chairman
22 of this committee we will be able to have
23 conversation of those bills, which are many. Yours
24 and many other colleagues I also have this.

2 CHAIRPERSON DIAZ: Yes, thank you Council
3 Member. The only thing that I know and I have to say
4 is that due to the laws and due to the regulations
5 and due to the neglect of like-over the past years
6 that allowed Uber to do and to run the streets
7 without being regulated, whoever was here, whatever
8 it is, whoever allowed that to happen, has created
9 five drivers to kill themselves. We got to stop
10 that. That was a-that was an injustice done. People
11 could have regulated Uber and in 2016 and in the year
12 before they allow it. So, whatever we're confronting
13 now, and as I was appointed to this committee I got
14 four years unless the-the chairman want to take it
15 away from me, that's his-his prerogative, but we
16 going to work and we're going to do it and we're
17 going to-we came here to work, and those-those in
18 Puerto Rico we say [Speaking Spanish]. You know that
19 that means? Whoever-I don't know how you say that in
20 English, but that-that's how to win. That's how to
21 win. The-the livery drivers are being killed, are
22 being killed-not killed physically, but killed with
23 the-with penalties, with abuses, with-with-with-with-
24 with entrapment and all kind of things. They-they-the
25 Yellow has been losing money. They have been from

2 \$1.5 million to \$200,000 the medallion costs now.
3 Five of them have killed themselves, have killed
4 themselves. How many more are we going to allow them
5 to kill themselves before we say that, and then we
6 got—we have a bill, a bill that some—anyway, you
7 know, it's-- Commissioner, I have another question
8 for you. Commission regarding No. 925, how many
9 violations have been issued so far this year under
10 the category of operating commuter van service
11 without authorization? [pause]

12 Chair Diaz, so as the Commissioner stated
13 before, the number of operations that we've employed
14 I can tell you that—

15 CHAIRPERSON DIAZ: [interposing] Hello,
16 hello, your name, please.

17 Oh, I'm sorry, Dianna. I thought you
18 knew me by now.

19 CHAIRPERSON DIAZ: No, you got a record,
20 the record, for the records.

21 DEPUTY COMMISSIONER PENNETTI: Dianna
22 Pennetti, Deputy Commissioner the Uniformed Services
23 Bureau.

24 CHAIRPERSON DIAZ: Okay. Thank you.

25 DEPUTY COMMISSIONER PENNETTI: Okay.

2 CHAIRPERSON DIAZ: You—you are in charge
3 of the enforcement?

4 DEPUTY COMMISSIONER PENNETTI:
5 Enforcement. I'm in charge of the missions, safety
6 missions and enforcement.

7 CHAIRPERSON DIAZ: Okay.

8 DEPUTY COMMISSIONER PENNETTI: Okay.
9 It's—so far for calendar year 2018 there have been
10 about 46 summonses issued to the commuter van
11 industry. Our emphasis is on illegal operation,
12 which is why we've conducted so many operations for
13 that, and have so many seizures. In addition, since
14 the beginning of this year we've had 20 arrests of
15 these illegal operators.

16 CHAIRPERSON DIAZ: And that you don't
17 know how many of were issued in 2017?

18 DEPUTY COMMISSIONER PENNETTI: In 2017 I
19 was here also and again the emphasis was on illegal
20 operation. There were 32 summonses, and I have
21 reported issue to the—to the industry and again we
22 had numerous. In 2017, we had 439 operations
23 targeting illegal operation because that's our focus.

24 CHAIRPERSON DIAZ: So, how many of the
25 violations have been dismissed?

1 COMMITTEE ON FOR-HIRE VEHICLES 40

2 DEPUTY COMMISSIONER PENNETTI: Dismissed?

3 CHAIRPERSON DIAZ: Yeah.

4 DEPUTY COMMISSIONER PENNETTI: They're
5 for the prosecution. I can-I think we can get those
6 numbers for you.

7 COMMISSIONER JOSHI: We're happy to
8 follow up with a report on the OATH Resolution of all
9 of those summonses. [pause]

10 CHAIRPERSON DIAZ: Commissioner, I don't
11 have any more questions for you. I don't know if my
12 colleague doesn't have questions. I will appreciate
13 and I-you? Okay.

14 COUNCIL MEMBER VALLONE: Thank you,
15 Chair. Good morning, Commissioner.

16 COMMISSIONER JOSHI: [off mic] Good
17 morning.

18 COUNCIL MEMBER VALLONE: Sorry.

19 CHAIRPERSON DIAZ: Just hold.

20 COUNCIL MEMBER VALLONE: Sure.

21 CHAIRPERSON DIAZ: I want to recognize
22 Council Member Constantinides who is here. Thank
23 your.

24 COUNCIL MEMBER VALLONE: So, I-I know I
25 came in a little late. I just wanted to real quick,

2 if you could give some help. Our districts seem to
3 be having a proliferation and an increase of the
4 passenger vans of 20 and under, and we're getting a
5 lot of calls from residents and folks in the
6 residential neighborhoods of the vans being parked
7 just about everywhere. What are the current
8 guidelines now for under a 20-passenger van or where
9 they can and cannot park?

10 COMMISSIONER JOSHI: The parking is
11 basically the same parking that required that applies
12 to any other vehicle. The 20 and under are the ones
13 that we can enforce against for illegal street hails,
14 but the parking and I know that this is not just a
15 problem in your neighborhood. But I know we spoke to
16 Council Member Moya about having similar problems is
17 you're kind of stuck with the residential parking
18 zoning that you have and we often try to work with
19 the local police precinct to let them know that there
20 is, you know, a community problem with these vans and
21 vehicles staying for extended periods of time and
22 taking the parking away from the residents. We tried
23 to do what we call sort of visibility where we with a
24 marked van and marked patrol cars we go around those
25 neighborhoods so that they know that we are in the

2 neighborhood. We have very few tools to actually
3 effective get at this problem, but I certainly know
4 it is a significant community concern.

5 COUNCIL MEMBER VALLONE: Has there been
6 any conversation ad to possible new techniques or
7 enforcement either during the day. It's to the point
8 where there's such a lack of—and in Queens itself
9 there's a lack of parking, but now because there's
10 such a huge growth of these community vans for every
11 purpose, it's very difficult to navigate the tight
12 streets in our neighborhoods when they're parked on
13 the corner, and they're just parked overnight for
14 long periods of time taking away spots for
15 residential homeowners and the business. It started
16 get out of control.

17 COMMISSIONER JOSHI: I'm going to defer
18 to Deputy Commissioner Pennetti who I know has done
19 some work on this issue especially in Queens.

20 DEPUTY COMMISSIONER PENNETTI: Good
21 morning.

22 COUNCIL MEMBER VALLONE: Good morning.

23 DEPUTY COMMISSIONER PENNETTI: It's still
24 morning, right?

25 COUNCIL MEMBER VALLONE: It is still.

2 DEPUTY COMMISSIONER PENNETTI: As the
3 Commissioner stated, it's very challenging when
4 technically these vans are parked legally. So, what
5 we've done is joined up with in some cases the--well,
6 in Manhattan Traffic Enforcement Agency in the outer
7 boroughs, the precincts, and we're addressing quality
8 of life issues. So, we go out there and if-if
9 they're standing or parked in a no-standing, that's--
10 we'll--we'll write a summons for that. If they're
11 littering we're write a summons for that. If they're
12 a legitimate entity, we can do an inspection and
13 they'll know if they keep parking they're going to
14 keep getting inspected. These are the--these are the
15 means we have now to address. It's an annoyance and
16 a quality of life issue.

17 COUNCIL MEMBER VALLONE: Well, that's the
18 type it is.

19 DEPUTY COMMISSIONER PENNETTI: Right.

20 COUNCIL MEMBER VALLONE: It's a quality
21 of life complaint that's growing--

22 DEPUTY COMMISSIONER PENNETTI:
23 [interposing] Right.

24

25

2 COUNCIL MEMBER VALLONE: --and growing in
3 numbers. So what would a homeowner be able to do at
4 this point? Just call?

5 DEPUTY COMMISSIONER PENNETTI: Well, many
6 homeowners call 311, and that--and basically most of
7 our, if not all of our van enforcement is complaint
8 driven. So that's how we know what areas to--to
9 target especially for these types of complaints, and
10 then we go out there and--and we use whatever tools we
11 have available to us, which is traditionally the
12 parking, the littering and--and sometimes the noise.

13 COUNCIL MEMBER VALLONE: Has there been
14 any conversation of starting the banning of either at
15 certain times of including them in the commercial
16 category so that we'd start to have some enforcement
17 and limitation of where they could be?

18 DEPUTY COMMISSIONER PENNETTI: I think
19 that's--I have not participated in that, but I think
20 possibly our External Affairs or Policy Division may
21 be doing that. I know that I've been working also
22 with the Queens Borough President especially around
23 Parsons and Archer because there's a lot of vans
24 laying up in the residential areas before they come

2 on out to Jamaica Avenue and such, but I think that I
3 would be very happy to pursue that with them.

4 COUNCIL MEMBER VALLONE: Yeah, well, you
5 have the Main Street, and then where the 7-Train
6 ends--

7 DEPUTY COMMISSIONER PENNETTI: Uh-hm.

8 COUNCIL MEMBER VALLONE: --and then you
9 have the Long Island Railroad and one of the
10 community churches. So, in Flushing, Peter Koo and I
11 are just inundated with the passenger vans, and we're
12 just not getting any good answers back to the
13 residents. So, I think it's time that we may have to
14 start thinking about some new legislation.

15 DEPUTY COMMISSIONER PENNETTI: We have
16 been successful with DOT getting some signage up in
17 those areas to prevent standing and parking where
18 before there were no signs. So that has alleviated
19 part of the problem, but I don't think that goes far
20 enough into the residential areas, though. So, that's
21 something I'd be happy to look at with DOT and more
22 signage for that.

23 COUNCIL MEMBER VALLONE: Thank you,
24 Commissioner. Thank you Chair. I do look--do look
25 forward to meeting when possible, and maybe some

2 further restriction on these passenger vans in
3 residential areas. It's a problem.

4 CHAIRPERSON DIAZ: Thank you, Council
5 Member. We also have Council Member Williams.
6 Council Member I really appreciate and I thank you
7 for taking time from your campaign to be here taking
8 care of the people's business.

9 COUNCIL MEMBER WILLIAMS: Thank you for
10 the plug, and thank you very much for chairing this
11 hearing, and my bill in particular. Thank you,
12 Commissioner et al for being here. Just generally
13 speaking obviously transportation is a very big issue
14 in this city. I'm on the record for a lot of it, but
15 I want to make sure I am now. I have been concerned
16 about transportation for a while and the Yellow Taxi
17 issue in particular. I just want to say on the
18 outset they have ignored the Outer Boroughs for a
19 very, very long time, and I think there would have
20 been a lot more energy had that not happened. With
21 that said, I always want to say that city government
22 failed and those six drivers that have taken their
23 life I believe is because of the City Council and the
24 Administration that did not put regulations on
25 another industry as they came in, and frankly they

2 should be suing us out of the wazoo for what they—we
3 created. My hope is that with both chairs eventually
4 we'll get to some kind of regulation that is fair for
5 everybody who is on the road. I do want to—I know
6 the Chair put forth a bill, and I'm hoping to speak
7 to you about it soon. I have some—some concerns.
8 I'm going to try to figure out what you're going to
9 get at. I have actually had—I got a cabby suspended
10 for six months who refused to pick me up to go where
11 I want to go. So, I just want to make sure if
12 there's a way we can address whatever the concerns
13 are with this bill without having some adverse
14 effects. So I'm looking forward to that
15 conversation. I do want to focus my attention on
16 925, which is the bill that I am sponsoring within
17 the transportation industry. As with most industries,
18 the little guy always gets the squeeze, and with the
19 commuter van industry we usually come to them when
20 there's an emergency in the city, and then we kind of
21 leave them aside when that emergency is gone. I'm
22 frustrated that in the whole talks of the L-Train,
23 the commuter van industry is not in those
24 conversations even as there are others coming out of
25 the—out of the woodwork who have not provided

2 transportation in this city in those conversations.
3 So, my hope is that they will be picked up in those
4 conversations that we're trying to figure out how
5 we're providing service. I know there is car sharing
6 apps that are being given spaces on the street. Those
7 care sharing apps are going to spend—expend much more
8 bad pollution into the air than the vans who have
9 more capacity. So, I don't understand why they're
10 not in the conversation. I do want to shout out to
11 Hector Richardson (sic) and David Morrison who are
12 the point people for Queens and Brooklyn for the van
13 industry. Thank you for being here. So, Intro 925
14 gives TLC the ability to exercise enforcement against
15 commuter vans with over 20 seats. I've been riding
16 in vans I guess since I was 13, 14 trying to get to
17 school. We were living in what was called the two-
18 fare zone at that time in Star City. There are
19 integral parts—valuable service in transit deserts in
20 places that are not quite deserts, but are
21 transportation starved like my—like my district and
22 under-served by what is available now with the MTA.
23 In the past I've been proud to work on legislation
24 that helped to both regulate the industry and to weed
25 out bad actors that prevent legitimate owners from

2 providing a valuable service. I'm proud to work with
3 the community of drivers as well as with the Council
4 Members who at times have issues with the vans. So,
5 I've always appreciated their support including
6 Council Member Daneek Miller, and before him Council
7 Member Leroy Comrie. Currently, the Administrative
8 Code only permits TLC enforcement on vans up to 20
9 seats. This allows bad actors to attempt to skirt
10 TCL enforcement by adding additional seating to their
11 vehicles. This legislation will allow enforcement on
12 such vehicles with—while keeping the legal
13 operational requirement of a maximum of 20 seats. The
14 legislation is not only good for passengers'
15 wellbeing, safety and experience, but will help to
16 support legitimate commuter van operators acting
17 within the law and within good faith. I had a
18 question. Is there any—I know there's some concerns
19 that we're trying to work out with some of the
20 industry. By the way, I've always encouraged union
21 partnership with some of these van drivers and I
22 still do and I appreciate their support after some
23 hesitation of the previous bills that we had and I
24 hope to at some point get the support for this. Is
25 there any reason to believe TLC would interpret Intro

2 925 to allow commuter vans to operate lawfully with
3 more than 20 seats?

4 COMMISSIONER JOSHI: No, the AD Code
5 provisions that govern our jurisdiction limit us to
6 licensing and regulating for-hire vehicles and they
7 have a cap of 20 seats. What the bill does is gets
8 at this-this one problem of enforcement, which is
9 people are using the 20-seat limit as a way to get
10 out from under our enforcement. There was a case
11 recently that was dismissed by OATH. A driver was
12 caught picking up illegally on Flatbush Avenue. The
13 passenger said yeah I paid \$2.00. A summons was
14 issued. We brought it before OATH. The vehicle
15 registration said 20 seats, but he testified that he
16 had 24. Because it was a wheelchair accessible
17 vehicle, he had taken out the space for the
18 wheelchair and put in four extra seats, and so he was
19 able to completely avoid TLC penalty and so OATH
20 dismissed the case. That's the kind of operator
21 we're getting at. I mean they're literally putting
22 in extra seats to avoid TLC enforcement, and those
23 extra seats certainly are not inspected. We don't
24 know the integrity of that and that's a dangerous
25 situation.

2 COUNCIL MEMBER WILLIAMS: Do-do you know
3 what the purpose of the cap for the enforcement was
4 or what the purpose of the law that prevents you
5 from-why was it made in the way it was made? Do you
6 have any idea?

7 COMMISSIONER JOSHI: I-I don't know why
8 our jurisdiction in terms of licensing was limited to
9 20 and below. Ironically, the licensing for buses
10 begins at 15 and above. So, there's some overlap. We
11 can certainly do some digging in the legislative
12 history and follow up with you.

13 COUNCIL MEMBER WILLIAMS: How do you
14 intend to use Intro 925 to step up enforcement
15 against illegal vans?

16 COMMISSIONER JOSHI: We'll do the
17 enforcement as we normally do, but now we'll have the
18 ability to seize the 20 plus buses that we see very,
19 very regularly when we're out doing our illegal
20 enforcement on some of the busiest corridors in the
21 street, in the city, and now instead of seizing them
22 and being pretty certain that the summons would be
23 dismissed or summoning and then being pretty certain
24 the summonses would be dismissed. We can summons
25 them or seize them with the authority knowing that we

2 will be able to permanently take that illegal bus off
3 the streets.

4 COUNCIL MEMBER WILLIAMS: So, right—just
5 right now you literally can do nothing with vans over
6 20 seats?

7 COMMISSIONER JOSHI: Absolutely, and I—I
8 want to stress that operators who put in additional
9 seats simply to avoid enforcement are not only
10 avoiding our enforcement, but they're putting their
11 passengers at jeopardy because we have no idea of the
12 integrity or the safety of those additional seats
13 that are put in after market.

14 COUNCIL MEMBER WILLIAMS: Well, thank
15 you. We—when we passed the bills before, we—we put a
16 cap on the amount of vans that that could be there.
17 That cap still has a lot of room. So, people who
18 want to operate safely with insurance and we—we
19 encourage them to do so, not to do what they can to
20 skirt existing loss. I'm always for trying to make
21 sure everyone is able to eat, but we have to make
22 sure that the community is safe and protected and,
23 you know, any—God forbid, one accident could harm a
24 lot of people and those—the public would have no
25 protections at all. As well as the van drivers, many

2 of whom are here who actually pay all of the money to
3 be inspected, to be regulated, insurance and insured,
4 it's obviously not fair to them. So, I just want to
5 say thank you, Commissioner, personally. You and the
6 TLC have particularly been good on this issue, and my
7 hope is we can get support of this committee and the
8 Council as a whole to help with the enforcement.

9 Thank you.

10 COMMISSIONER JOSHI: Thank you.

11 COUNCIL MEMBER WILLIAMS: And thank you,
12 Mr. Chair.

13 CHAIRPERSON DIAZ: We are joined—we are
14 joined—we have been joined by Council Member Cabrera
15 and now to dismiss the Commissioner, but I don't know
16 if Cabrera has any questions before I dismiss the
17 Commissioner. No questions. Commissioner, thank you
18 for being with us today. We appreciate your—that
19 you're part in this for the hearing. Thank you very
20 much, and now we're going to open for questions in
21 the public. [pause] Okay, we are going to do the
22 public, and I'm going to call four at the time, two
23 minutes and that you are allowed two minute—two
24 minutes each. So, the first one we're going to call
25 Cassandra Perez. I Cassandra Perez here? Cassandra,

2 Peter M. Mazer. Mr. Mazer. Zubin Soleimany (sp?)
3 and Bhairavi Desai (sp?) Bhairavi Desai. Hope
4 Badabestia (sp?) [pause] Okay, we're going to start
5 with—we're going to start with Cassandra Perez.

6 CASSANDRA PEREZ: Good morning Chairman
7 and Committee. I'm reading—I'm representing David
8 Beier, the President of the Committee for Taxi
9 Safety. It's an industry group comprised of licensed
10 agents who manage and operate approximately 25% of
11 the Yellow Taxi vehicles. We're submitting these
12 comments in opposition to Intro 958. CTS opposed the
13 bill because we think there are some unintended
14 negative outcomes if passed in its current form.
15 Those would be included in heavier congestion in the
16 Manhattan Central Business Zone and an increase in
17 risk to passenger safety. [background comments,
18 pause]

19 CHAIRPERSON DIAZ: Okay, thank you.
20 Sorry. Start all over again.

21 CASSANDRA PEREZ: Okay. No problem.

22 CHAIRPERSON DIAZ: Okay, start all over.
23 Just kind of look at them. (sic) [pause] Okay.

24 CASSANDRA PEREZ: Okay. I'm reading
25 testimony representing David Beier, who is the

2 president of the Committee for Taxi Safety an
3 industry group comprised of licensed agents who
4 manage and operate approximately 25% of the Yellow
5 Taxi vehicles. We submit these comments in
6 opposition to Intro 958. CTS opposes the bill because
7 we think there are some unintended negative
8 consequences if passed in its current form including
9 heavier congestion in the Manhattan Central Business
10 Zone, and increase in risk to passenger safety.
11 Allowing licensees of the TLC to have little or no
12 penalty for violating the licenses has been an
13 inescapable problem, which has led to other players
14 totally disregarding any rule and regulation
15 promulgated for the protection of passengers and the
16 ability of licensed drivers to earn a living wage.
17 First, the bill in its current form will deny
18 passengers of the assurance that the vehicle that
19 they hail or call will take them to their intended
20 destination once disclosed. In many instances, this
21 leads not only to geographic discrimination but also
22 discrimination based on an individual's appearance.
23 Second, when drivers act outside of the license in
24 which they and their vehicle are issued, by picking
25 up street hail, the public safety is endangered

2 because the vehicle does not carry the commercial
3 insurance for doing street hail work, unintentionally
4 creating a defense for insurance carriers to deny
5 coverage for any injuries that may result in the
6 event of an accident. The proposed adjustments to
7 the fines will lead to greater congestion because if
8 fines are low enough as to be included in the cost of
9 doing business, drivers will seek to spend most of
10 their time in the Central Business Zone abandoning
11 the Outer Boroughs. Additionally, players called
12 Straight Plates will begin operating in the Central
13 Business Zone and at the airports. Third, under
14 current state law Yellow Taxis were given a guarantee
15 that they would be able to operate [bell] within the
16 Manhattan-oh-Central Business Zone and the-and at the
17 airports without any additional competition for
18 street hail work. The current proposed bill would
19 likely reverse that guarantee, and result in greater
20 completion for street hail work from vehicles that
21 are not licensed. Additionally, street hail work in
22 the outer boroughs is the guaranteed domain of Green
23 Taxis. These vehicles have been battling ever-
24 increasing competition from for-hire vehicles not
25 licensed to do street hails and straight plates to

2 the point where the number of Green Taxis on the road
3 had diminished from 10,000 deployed to about half
4 that number today. If anything, the Council should
5 consider extending higher fines throughout the rese
6 of city for unlicensed street hails.

7 CHAIRPERSON DIAZ: Okay. Thank you very
8 much. The next one Mr. Mazer. Mr. Mazer.

9 PETER MAZER: Good morning Chairman Diaz
10 and members of the Committee. My name is Peter Mazer
11 and I'm General Counsel to the Metropolitan Taxicab
12 Board of Trade, a trade association representing the
13 owners of approximately 5,700 medallion taxicabs. We
14 also operate the MTBOT Drivers' Resource Center,
15 which provides free training and other services to
16 taxicab drivers as well as free legal representation
17 before Office of Administrative Trials and Hearings,
18 the Traffic Violations Bureau, and New York City
19 Criminal Court for taxi related offenses. To date we
20 have represented drivers in more than 5,000 hearings
21 and have saved them at lest three-quarters of a
22 million dollars of legal fees. This morning, I'd
23 like to offer some comments and observations with
24 respect to Intro 958. This bill would substantially
25 reduce fines for a number of offenses that are

2 proscribed by the Administrative Code including
3 acceptance of street hail, expired license, livery
4 drivers as well as passenger service refusals, and
5 overcharged by licensed taxicab driver. As an
6 advocate for the driver community, my initial
7 reaction would be to support any bill that would
8 lower fines to our clients. For many of these
9 drivers, fines imposed at Administrative Hearings or
10 as a result of negotiated settlements with the TLC
11 represent a significant financial hardship and often
12 disproportionate to the offense committed. Tax and
13 for-hire drivers are regulated on multiple levels by
14 the Police Department, Criminal Court, other agents
15 such as Park and Sanitation offices, TLC inspectors,
16 and even members of the public who can file consumer
17 complaints. We have a complex system of laws, rules
18 and regulations and overlapping jurisdictions and
19 inconsistent fines. For example, a driver—the driver
20 blocking a lane of traffic could be issued a Criminal
21 Court summons and pay a fine of \$25 to \$50, a parking
22 ticket and pay \$95, a traffic ticket and pay a
23 minimum of \$338 or a TLC OATH summons and pay a
24 minimum of \$200. Depending on where the summonses
25 are adjudicated, the fines will vary drastically.

2 Part of the problem stems from the fact that for some
3 infractions fines are set by the Administrative Code.
4 For other offenses they set by TLC—by the TLC [bell]
5 and fines are—[bell]. Can I just briefly conclude?
6 And the TLC has broad authority to set high fines and
7 even seek license revocation for every single
8 offense. Serious offenses may carry lower fines than
9 less serious ones. If this legislation is enacted
10 into law, the penalty for our passenger refusal or
11 overcharge will be \$100 but a parking offense will be
12 \$200 and a minor traffic offense \$300, which are
13 higher than fines faced by other jurisdictions. It's
14 well intended this legislation, and may be a
15 significant first step towards reducing the
16 regulatory burden, but it doesn't address the problem
17 of inconsistent penalties, inconsistent fines. We
18 need a top-to-bottom review of all of the agencies
19 that enforce laws and rules against TLC licensed
20 drivers and a complete review of the penalty
21 structure for all offenses in all jurisdictions that
22 regulate this industry with the objective of ensuring
23 equity, fairness, and consistency. Penalties should
24 be proportionate to the offense committed and not be
25 based on where the summons is heard or which law

2 enforcement agency issued the summons. The Council
3 has broad authority to set fines. It also has the
4 authority to grant or withhold from the TLC authority
5 to set fines for specific rules and we urge the
6 Council to undertake a comprehensive review of all
7 fines and penalties set by the Council and the TLC to
8 determine if they are fair and reasonable and
9 determine the legitimate public safety concerns of
10 the city. Thank you.

11 CHAIRPERSON DIAZ: Mr. Mazer, thank you
12 very much for your support. I like—I like this when
13 you said we need a top-to-bottom review of all the
14 agencies that enforce laws and rules against TLC
15 licensed drivers, and a complete review of the
16 penalty structure for all offenses in all
17 jurisdictions with the objective of ensuring equity,
18 fairness and consistency. That's it. That's a heavy
19 sentence. Thank you very much.

20 PETER MAZER: Thank you.

21 BHAIRAVI DESAI: Bhairavi Desai I'm the
22 Executive Director of the New York Taxi Workers
23 Alliance Good morning, good morning.

24 CHAIRPERSON DIAZ: Are you okay today?
25

2 BHAIRAVI DESAI: I am. Yes, I'm doing
3 well today.

4 CHAIRPERSON DIAZ: You're good?

5 BHAIRAVI DESAI: Always good. [laughs]
6 Good morning Chairman Diaz and Council Member
7 Cabrera, my name is Bhairavi Desai I'm the Executive
8 Director of the New York Taxi Workers Alliance. We
9 have over 21,000 registered members and we represent
10 only the drivers in this industry, and those who
11 drive across this industry. I'd like to speak
12 specifically on Intro 958. We certainly welcome the
13 opportunity to be able to review the fines. I mean
14 I-Chair, I would just add to what Mr. Mazer just
15 testified to, and say that the fine review needs to
16 be set in a way where the levels, you know, they
17 should be commensurate with driver earnings. It
18 can't-you know, we can't have a situation wherefore,
19 you know, any violation a driver walks out of that
20 hearing and they could be-they could basically be out
21 of two weeks, sometimes three weeks up to four week
22 out of, you know, income because the fine levels are
23 just too high. We also need to end this the situation
24 where you end up paying a monetary fine and could
25 also face a suspension or a revocation. It just

2 doesn't make any sense, and you're basically keeping
3 drivers in a debtor's prison because you're expecting
4 them to pay a fine and meanwhile you've taken away
5 their livelihood, which is the only thing that would
6 allow them to be good on that fine. But I do want to
7 get to the specifics of the Intro as-as it-as it
8 currently reads. We would not be in favor of
9 changing the penalties particularly around refusals
10 and illegal street hail pickups. I mean
11 particularly, you know, around refusals, I mean the
12 reality is this is an issue that we have to make
13 progress on where we have to move forward and no-and
14 not go backwards and one of the reasons that we think
15 that the fines need to-in totality need to be re-
16 evaluated is so that there is more seriousness given
17 to certain violations particularly violations like
18 race based refusals. Also around illegal street hail
19 pickups. I mean there's real progress that's been
20 made, and I think that, you know, given the other
21 bills that the Council is considering trying to, you
22 know, more or less level the playing field, it's
23 important that those go into effect before we take a
24 look at the illegal pickup fines in particular.

2 CHAIRPERSON DIAZ: Thank. I love when
3 people support the working class, and—and not the—the
4 millionaires. So, thank you for your testimony and I
5 think that Council Member Cabrera has a question for
6 you.

7 BHAIRAVI DESAI: Okay.

8 COUNCIL MEMBER CABRERA: Thank you so
9 much, Mr. Chairman and thank you so much for holding
10 this important hearing. Regarding Intro 958, which I
11 didn't think we were going to get so much [laughs]
12 support or feedback or—or against.

13 CHAIRPERSON DIAZ: [off mic] We need the
14 support so that we get it right. (sic)

15 COUNCIL MEMBER CABRERA: Right, right.
16 Absolutely. Just—just let me make a statement first,
17 and then—actually two statements. Number one, what we
18 did in these bills essentially took the model that is
19 being used in Chicago and in Chicago, so far there
20 are not having any particular issues that I know of.
21 If they are, please let me know, that has hurt the
22 end game, which is to—at the end of the day is to
23 control people's behavior, and it would be a positive
24 one in terms of—of the for-hire, but look, willing to
25 look at that particular issue that you just

2 mentioned, the pickup because I know that's an
3 important issue. I know there are so many groups that
4 are very concerned about it and flexible, bendable to
5 make sure that we have something that makes sense for
6 everyone. I—one of the issues that has come up is
7 that that—that was eloquently mentioned was that, you
8 know, some people say, well, you know, it's between
9 \$100 and \$400 but, you know, for-hire people are not
10 making what they used make. So, when they made those
11 penalties from \$2,000 to \$10,000, that's when they
12 were making a lot more money and so now, you know,
13 when we got briefed the Democratic Caucus, we were
14 told that the average for-hire is making only
15 \$32,000. That's average. So, we're talking about
16 there are people who—who are way below that get to
17 that average and some that are making more because
18 they're putting in tons and tons of hours. So, I—I
19 do want it to contextual something that we could look
20 at year for year since that we're not going to be,
21 you know, out of sight, out of mind, and so with
22 that, I give it back to the Chairman. Thank you so
23 much.

24 CHAIRPERSON DIAZ: Thank you. Now, we
25 have Mr. Zubin Soleimany.

2 ZUBIN SOLEIMANY: Good morning Chair Diaz
3 and Committee Members. My name is Zubin Soleimany.
4 I'm a staff attorney with the New York Taxi Workers
5 Alliance, the 21,000 member strong union of drivers
6 of Yellow Cabs, Green Cabs and Black Cars. We
7 appreciate Councilman Cabrera's and this committee's
8 attention to the problem of excessive fine amounts
9 imposed by the TLC and welcome legislation to reduce
10 certain fine amount. However, this current draft of
11 Intro 958 only reduces fine amount for mandatory
12 penalties governed by the Administrative Code for
13 refusals, overcharges and illegal pickups, which
14 should not be disturbed. The vast majority of
15 financial penalties imposed on drivers, however, are
16 currently determined by TLC regulation, and are not
17 defined by any provision of the Administrative Code
18 and it is those fines not the current mandatory
19 penalties for refusal that need to be reigned in.
20 SO, for example what Peter spoke about a \$200 parking
21 violation issued by the TLC that when issued by any
22 officer of the NYPD would only be \$65, right. So,
23 it's absurd that a driver making less than the
24 average New Yorker has to pay a 300% premium on their
25 parking violations. Another example is the TLC will

2 routinely ticket drivers with \$1,000 charge for what
3 they call reckless driving, but that is charged
4 whether—it's just simply been a simple traffic
5 violation or even in some cases a non-moving parking
6 violation that they will charge as reckless driving.
7 \$1,000 and 30-day suspension. One member of ours was
8 charged \$350 and faced a potential 30-day suspension
9 for using a nebulizer in his cab to treat his severe
10 asthma. If he didn't use it, he would not have been
11 able to breathe. The provision under which that fine
12 was issued is called Willful Acts Against the Public
13 Interest. Now, that provision for drivers carries
14 the same penalty, \$350 and 30-day suspension as for
15 when that charge is brought against an FHV base. So
16 that is [bell] when a driver earning poverty wages is
17 subject to the same financial penalty for the same
18 conduct as \$70 billion multi-national corporation.
19 So, I think that provides some context for how the
20 TLC needs to revisit ensuring that these fines are
21 actually commensurate with the workforce's earnings.
22 So, aside from those penalties that are currently in
23 the AD Code as mandatory penalties, broadly the TWA
24 is proposing a framework for driver fines that would
25 mirror that adopted by city of Chicago, in which the

2 maximum fine for any violation would be \$400.

3 Additionally, because there's a practice of bundling
4 tickets, we say that the maximum fine for any one
5 incident could be \$1,000 and also that the TLC would
6 have to stop its practice of fining drivers and also
7 suspending their license taking away the ability to
8 pay those fines. So--

9 CHAIRPERSON DIAZ: Thank you. Thank you
10 very much. Thank you very much, ladies and gentle
11 for your participation and you're willing to take the
12 time to come here and--and help us. Thank you very
13 much. Council Member Miller has joined us today. So,
14 now we're going to call on Kristen Johnson, Hector.
15 Kristen Johnson. Where's Kristen? Kristen Johnson,
16 Hector B. Ricketts and LeRoy Morrison. Okay.
17 [pause] We're going to start with Kristen Johnson.
18 [pause] Go ahead.

19 KRISTEN JOHNSON: Okay. Good afternoon
20 Chair Diaz and members of the Committee. My name is
21 Kristen Johnson and I am testifying on behalf of the
22 NAACP Legal Defense and Educational Fund, LDF. Thank
23 you for the opportunity to testify this morning. At
24 a time when this country is becoming increasingly aware
25 of the racial divide that persists in accessing

2 public accommodations, it's imperative for New York
3 City to make a commitment to equal and fair access
4 for all, and to pit hardworking taxi drivers against
5 black commuter with legislation like Intro 958. I
6 strongly urge you to vote no on this bill. LDF's
7 work has long recognized that full citizenship for
8 black Americans requires the elimination of
9 discrimination in public spaces. Schools,
10 transportation, public accommodations and the
11 transformation of these spaces to protect the dignity
12 of communities of color. The Yellow Taxi is one of
13 the symbols most closely identified with New York
14 City, but for many black New Yorkers being unable to
15 hail a taxi has become a symbol of the frustration
16 and indignity of prejudice and marginalization within
17 one's own city. In 2011, the city announced a
18 crackdown on drivers who refused to service outer
19 boroughs, a practice with a markedly disproportionate
20 effect on people of color, but it is now 2018 and the
21 problem persists. We are also keenly aware of the
22 substantial burdens facing the industry. Taxi
23 drivers are hurting. Competition has drastically
24 increased and the value of taxi medallions has
25 plummeted. In recent months five taxi drivers racing

2 financial pressures and debt have taken their own
3 lives. At a time when we should—excuse me—at a time
4 when we should be uniting to combat racism and
5 economic injustice, legislation like Intro 958 offers
6 a counterproductive solution to a very real problem.
7 Intro 958 will not provide sustainable incomes for
8 taxi drivers. It will facilitate discrimination. It
9 would lower penalties specifically for violation of
10 refusing to take a passenger to their desired
11 destination. As we learned at the hearing in April,
12 and from reading statements in the Taxi Workers
13 Alliance, there are a number of issues making it
14 difficult for taxi drivers to earn a decent living
15 today. Fines for discriminating against customers is
16 not among them. Discrimination is not only wrong, it
17 is bad for business. Losing black customers does not
18 help. I'll wrap up very quickly. Recent high profile
19 incidents have cast the national spotlight of some of
20 the indignities and dangers faced simply from
21 existing and public who are black. Some private
22 companies have take great strides to recover from
23 embarrassing and harmful incidents of racial
24 discrimination and to ensure they do not recur.
25 Going forward, we should look to bold innovate

2 solutions that will finally put an end to racial
3 discrimination in the taxi industry. For now, though
4 the decision is simple: Say no to a bill. That will
5 make it easier for people who operate a public
6 accommodation to deny a basic service in a way that
7 would have a disproportionate affect on black people.
8 Thank you.

9 CHAIRPERSON DIAZ: Thank you. Do you
10 know that the—those fines for up to \$2,000 are not
11 for refusing to pick up people? Those fines are for
12 picking up people. So, when they—when they put a
13 fine for up \$2,000 they're doing it for those livery
14 drivers and the majority of livery drivers black and
15 Hispanic, and if those livery drivers goes and pick
16 up on 96th Street or on the La Guardia Airport or on
17 Kennedy Airport, and they pick not—they—it's not
18 because they are denying to pick up people. It's
19 because they are picking up people. So, they are up
20 to \$10,000 and so the majority of those fines are for
21 black and Hispanic drivers. Mr. LeRoy—

22 MALE SPEAKER: You can try--

23 CHAIRPERSON DIAZ: Leroy Morrison.

24 MALE SPEAKER: --Hector Ricketts first.

2 HECTOR RICKETTS: Good morning Mr.

3 Chairman and members of the committee. My name is
4 Hector Ricketts. I'm the President of the Commuter
5 Van Association of New York. I'm also the President
6 and owner of Community Transportation Systems, which
7 is an authorized commuter van service in Brooklyn and
8 Queens, authorized to operate 53 licensed vans. I
9 must commend Council Member Miller and Williams for
10 their collaboration on Intro 925. For too long
11 illegal operators have circumvented the rules and are
12 operating vehicles in excess of 20 passengers simply
13 because the TLC does not have the jurisdiction to
14 enforce. This bill will level the playing field,
15 give the TLC no excuse regarding the proliferation of
16 illegal vans, and in a time when the entirely livery
17 industry is being impacted by technology networking
18 companies, enforcement is needed. The TLC's hands
19 are tied, and this bill will equip them with the tool
20 to remove these dangerous vehicles from the streets
21 making our communities safer, and building a
22 legitimate commuter van service that operates within
23 the law. So, I urge that you pass this bill. On
24 Intro 897, I agree with the intent of the bill, which
25 is to make sure that every licensed van is operated

2 by a licensed driver. However, this bill
3 discriminates. Commuter vans would be the only
4 entity required to have a matching drivers for
5 matching vehicles. Lyft, Uber, Yellow Cabs, Ford
6 Chariot are not required to have a roster of 100
7 drivers to 100 vehicles. Commuter vans would be
8 only--would be the only vehicles to do this. There
9 are laws on the books already that the TLC and the
10 NYPD can enforce to make sure that a van is operated
11 by a licensed operator. Any preliminary enforcement
12 could result in the issuing of a violation for having
13 no 19-A Safety Certification, No CDL license, no TLC
14 hat license. So, there are laws on the book. The
15 problem is that this city has not employed a no
16 tolerance approach to enforcement when it comes to
17 illegal vans. So, there are laws on the books. This
18 law is not practical and it would never be practical
19 in this implementation.

20 CHAIRPERSON DIAZ: Thank you.

21 HECTOR RICKETTS: So, I ask that you
22 reject that bill.

23 CHAIRPERSON DIAZ: Thank you. Okay, let
24 me give you one--one--one more minute.

25 HECTOR RICKETTS: Okay.

2 CHAIRPERSON DIAZ: Okay, go ahead.

3 HECTOR RICKETTS: Maybe you'll regret
4 that. [laughs] On 985, I believe that penalties
5 should be significant enough to be a deterrent. So,
6 I ask that you not change this law, but you look at
7 the disadvantage that the livery industry and the
8 Yellow Cabs are suffering because of the influx of
9 those millionaires with their big money and their
10 technology. Uber, Lyft--

11 CHAIRPERSON DIAZ: [interposing] So what-

12 HECTOR RICKETTS: --all of those things
13 are putting our--

14 CHAIRPERSON DIAZ: [interposing] So what
15 should--

16 HECTOR RICKETTS: --livery industry at a
17 disadvantage.

18 CHAIRPERSON DIAZ: [interposing] So what
19 should--

20 HECTOR RICKETTS: That's where the focus
21 ought to be to level the playing field.

22 CHAIRPERSON DIAZ: Okay, thank you. So,
23 why should we punish the livery when the big-more
24 people are making the money? So, what do you
25 propose?

2 HECTOR RICKETTS: Level the playing
3 field.

4 CHAIRPERSON DIAZ: What do you oppose
5 the--

6 HECTOR RICKETTS: [interposing] Let us
7 compete fairly.

8 CHAIRPERSON DIAZ: Why are you opposing
9 the livery?

10 HECTOR RICKETTS: [interposing] They put
11 the penalties for unlicensed operators.

12 CHAIRPERSON DIAZ: [interposing] You're
13 confusing me. You're confusing me.

14 HECTOR RICKETTS: There should be
15 significant penalties for unlicensed operators, but
16 the playing field should be leveled so we all
17 participate. There's a huge market there. We should
18 all participate fairly.

19 CHAIRPERSON DIAZ: That's what we intend
20 to do, but they're hitting only the--the little guys.
21 Anyway, Mr. Leroy.

22 LEROY MORRISON: Yes, sir. Good morning.
23 First I want to say--

24 CHAIRPERSON DIAZ: [interposing] Good
25 morning.

2 LEROY MORRISON: --thanks to you, the
3 chair. I want to say thanks to the Committee, and I
4 want to say thanks to Council Member Daneek and
5 Jumaane to pass several package of bills for commuter
6 vans across the boroughs, and what we're saying here--
7 -My name is Leroy Morrison and I'm also the Vice
8 President of the Commuter Van Association of New
9 York, but I'm speaking on behalf of Alexis Van Lines.
10 I'm also the CEO for Alexis Van Lines. We've been
11 around for over 30 years. When the city is in crisis
12 they call us. After the crisis is over, they treat
13 us like underdogs. So, we don't want to feel like
14 we're underdogs. We want to come out of the shadow
15 into the light now and that's what we want to do now.
16 So, with Council Member Daneek Miller here been doing
17 so many great legislation. Today is the only day I'm
18 going to oppose the bill that he's doing the 897.
19 Otherwise, we have billionaires that come in here
20 like Ford Chariot and all these big companies. If it
21 wasn't for Council Member Daneek Miller to put the
22 cap on it, it would end up just Uber and Lyft and
23 destroy our industry, and our community here is not
24 everyone have money to take Uber and Lyft and VIA and
25 all these big companies. So, Mr. Chair, there's a

1 lot of stuff that we need you to look at also with
2 New York City DOT. Let's not overlook them because
3 there are certain places that commuter vans run right
4 now where they're putting Zip Cars and they're
5 putting in Enterprise Cars. We applied for a
6 license to expand our commuter van service and
7 they're treating us like we're nobody, we're unfairly
8 treated. So, with the Intro 897, I explained to Mr.
9 Council Member Daneek Miller that we should try to do
10 an amendment because there's no transportation in New
11 York and New York City that have 100 drivers. You
12 have to buy 100 vehicles and then get 100 drivers to
13 go with them. Drivers come and go. Some of our
14 drivers they become MTA drivers so we still have to
15 go there and look for drivers to put behind the wheel
16 of these vehicles. So, we're trying to look at it
17 and the Intro 925 we're in support of that because
18 that's what's going on now. A lot of Pennsylvania
19 buses. These buses are bigger than MTA buses, and
20 everybody is buying these buses because it's a
21 loophole to jump through the loophole, and our buses
22 have to go to a fairly New York State DOT Safety
23 every six months and every month to maintain. We're
24 asking you to please-the 925 will be something that
25

2 will help the community and build a community with
3 the Council Member and make this thing happen, and we
4 need to put more work into this, sir.

5 CHAIRPERSON DIAZ: Mr. Morrison, let me
6 tell you that Council Member Miller--

7 LEROY MORRISON: [interposing] Yes, sir.

8 CHAIRPERSON DIAZ: --is one of those
9 Council Members that I am honored to work with. He
10 has shown that he really cares and look out for the--
11 for the best for the community. So, you and Council
12 Member Miller we have one distinguished dedicated
13 point servant that I'm really honored, not with all
14 of them, but with Council Member Miller I'm really
15 honored to work with. So, we--we will do what we
16 should do.

17 LEROY MORRISON: [interposing] I-I have a
18 lot of respect for him, and I will always have a lot
19 of respect for Council Member Daneek Miller, and I
20 want you to work also with the minority community
21 especially Southeast Queens and Brooklyn also to
22 build a better transportation system--

23 CHAIRPERSON DIAZ: [interposing] Thank
24 you.

25 LEROY MORRISON: --in New York City.

2 CHAIRPERSON DIAZ: Thank you. Ladies and
3 gentlemen, there is no more witnesses. I thank all
4 of you for allowing us to conduct this hearing for
5 supporting the hearing with your presence, and we
6 will be—Council Member Miller, do you want to say
7 something before we go.

8 COUNCIL MEMBER MILLER: Yes, if—if I may,
9 Mr. Chair.

10 CHAIRPERSON DIAZ: Okay.

11 COUNCIL MEMBER MILLER: Thank you so
12 much. So, in regards to the legislation, this is so—
13 it is a pleasure to—to Council Member Diaz chairing
14 this committee because we are really touching on
15 issues of transportation in our community that have
16 not been done at this level. Transportation is the
17 great equalizer no matter what it is, but we want to
18 make—and—and if you don't have it our communities
19 suffer. We want to make sure that—that it is safe,
20 it is affordable, it is accessible and—and quite
21 frankly we—everybody—these are the like-minded folks
22 that are in this room her together today. My
23 legislation simply attempts to ensure that we have
24 licensed, certified operators for the vehicles. Not
25 one for every vehicle per se, but if you look at the—

2 the disparities in the number, 460 or whatever
3 registered vehicle operating and—and 200 and change
4 certified operators, we want to make sure that there
5 are certified operators behind wheels, and most of
6 all it does down come down to enforcement at so many
7 different levels. You know what, we—we probably
8 don't need any new legislation for anything. We need
9 to enforce what's already on the books, and that's
10 just not as it pertains to transportation, but we do
11 a lot of that. We need more education and more
12 enforcement and we need legislation in these terms.
13 You know, for many years we had sat on different
14 sides of how we provide transportation in our
15 community, but we have come together to kind of
16 figure out what that means. Here's—I do have one
17 concern about—was it 897 and—and that is are we then—
18 do we have the authority to authority to license
19 buses and if we do have the license and authority,
20 what does the DOT or whomever, or is this the wave of
21 the future that we are—do you guys plan on operating
22 buses?

23 LEROY MORRISON: Yes. I can answer that
24 question, Council Member--

25 COUNCIL MEMBER MILLER: Uh-hm.

2 LEROY MORRISON: We have a state bill
3 right now in the state now where they're planning to
4 make sure. We're trying to actually bring our
5 business so we can be part-partner with the MTA.(sic)

6 COUNCIL MEMBER MILLER: [interposing] I'm
7 asking and my question is do you plan to operate 25
8 passenger--

9 LEROY MORRISON: [interposing] Yes sir.

10 COUNCIL MEMBER MILLER: --size buses.

11 LEROY MORRISON: Yes sir. We plan to go
12 at least 24 passenger or 25 passengers in the near
13 future, sir.

14 COUNCIL MEMBER MILLER: Okay.

15 LEROY MORRISON: Instead of just 20. That
16 way we can eliminate five cars off the street for,
17 you know, what--the congestion, sir.

18 COUNCIL MEMBER MILLER: Okay. Alright, I--
19 I think for the record, the MTA opposed that
20 competition.

21 LEROY MORRISON: Okay, so we leave it at
22 24, sir [laughter] because there is that MTA guy, but
23 one day we're going to work with the MTA as partners
24 of course because we're close.

2 COUNCIL MEMBER MILLER: Okay, sir. Okay.
3 Thank you. So, I'd day and—and again, Mr. Chair,
4 thank you so much for your leadership because
5 otherwise we would not have this conversation of the
6 way that it impacts our community.

7 CHAIRPERSON DIAZ: [off mic] Thank you
8 also to Council Member [pause] [on mic] Thank you to
9 Council Member Miller, Council Member Cabrera,
10 Council Member Rodriguez, Council Member Borelli,
11 Council Member Williams, Council Member Vallone,
12 Council Member Moya, Council Member Constantinides
13 who were here today present in this meeting, and
14 thank you to all of you for attending. Ladies and
15 gentlemen, the meeting is [gavel] adjourned. Thank
16 you.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 30, 2018